

# PATENT COOPERATION TREATY

HS

from the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
HARRY F. SMITH  
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4 RESEARCH DRIVE  
SHELTON, CT 06484-6212

## PCT

### WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference 873.0121.U1(WO)		Date of Mailing (day/month/year) <b>29 AUG 2005</b>
International application No. PCT/IB03/02523		REPLY DUE within 2 months/days from the above date of mailing
International filing date (day/month/year) 27 June 2003 (27.06.2003)	Priority date (day/month/year) 10 June 2003 (10.06.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04Q 7/20 and US Cl.: 455/450, 452.1, 452.2, 457, 515,561		
Applicant NOKIA CORPORATION		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

ACTION 10/29/05  
 DUE DATE 10/29/05  
 PAPER DATES 10/29/05  
 OA \_\_\_\_\_  
 MSG PT \_\_\_\_\_  
 APPEAL \_\_\_\_\_  
 OTHER Written Op.

**RECEIVED**

**AUG 31 2005**

HARRINGTON & SMITH, LLP

3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.  
For an informal communication with the examiner, see Rule 66.6

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10 October 2005 (10.10.2005).

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer William Trost Telephone No. 571-272-2600
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# WRITTEN OPINION

International application No.

PCT/IB03/02523

## I. Basis of the opinion

### 1. With regard to the elements of the international application: \*

- ☒ the international application as originally filed
- ☒ the description:
  - pages 1-13, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the claims:
  - pages 14-21, as originally filed
  - pages NONE, as amended (together with any statement) under Article 19
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the drawings:
  - pages 1-4, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:
  - pages NONE, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_

### 2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

### 5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

**WRITTEN OPINION**

International application No.  
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**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. STATEMENT**

Novelty (N)	Claims 5-9, 14-18, 20-30	YES
	Claims 1-4, 10-13 and 19	NO
Inventive Step (IS)	Claims 5-9, 14-18, 20-30	YES
	Claims 1-4, 10-13 and 19	NO
Industrial Applicability (IA)	Claims 1-30	YES
	Claims NONE	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-4, 10-13 and 19 lack novelty and inventive step under PCT Article 33(2) and 33(3) as being anticipated by Kadaba.

Regarding claim 1 Kadaba teaches a method for operating a mobile station with a base station, comprising: when the mobile station is in an Autonomous mode of operation, autonomously transmitting data from the mobile station to the base station on a reverse access channel or reverse supplemental channel (see pgs. 1 & 2, paragraphs [0024] and [0025]). Kadaba teaches in response to receiving an acknowledgement indication from the base station, that comprises a reverse channel assignment message for the mobile station, switching the mobile station to a Scheduled mode of operation; and transmitting data from the mobile station on an assigned reverse channel (see pg. 3, paragraph [0027] and pg. 5, paragraphs [0051] & [0052]).

Regarding claim 2 Kadaba teaches transmitting from the mobile station to the base station to initiate the data transmission comprises transmitting a Supplemental Channel Request Message (see pg. 2, paragraph [0024] and pg. 3, paragraph [0029]).

Regarding claim 3 Kadaba teaches a reverse access channel that comprises a Reverse Enhanced Access Channel and reverse fundamental channel or reverse dedicated channel (see pg. 3, paragraph [0026]).

Regarding claim 4 Kadaba teaches an acknowledgement indication that comprises a Supplemental Channel Assignment Message (see pg. 2, paragraph [0024] and pg. 3, paragraph [0027]).

Regarding claim 10 Kadaba teaches a mobile station, comprising: an RF transceiver for conducting bidirectional wireless communications with a base station; and a data processor operating under the control of a stored program for, when the mobile station is in an Autonomous mode of operation, autonomously transmitting from the mobile station to the base station on one of a reverse access channel and a reverse supplemental channel (see pgs. 1 & 2, paragraphs [0024] and [0025]). Kadaba teaches a data processor being responsive to a reception of an acknowledgement indication from the base station, that comprises a reverse channel assignment message for the mobile station, for switching the mobile station to a Scheduled mode of operation and for transmitting data from the mobile station on an assigned reverse channel (see pg. 3, paragraph [0027] and pg. 5, paragraphs [0051] & [0052]).

Regarding claim 11 Kadaba teaches a device as recited in claim 2 and lacks novelty and inventive step given the same reasoning as above.

Regarding claim 12 Kadaba teaches a device as recited in claim 3 and lacks novelty and inventive step given the same reasoning as above.

Regarding claim 13 Kadaba teaches a device as recited in claim 4 and lacks novelty and inventive step given the same reasoning as above.

Regarding claim 19 Kadaba teaches a mobile station and base station that communicate over a reverse synchronous code division, multiple access channel (see pg. 1, paragraph [0009] and pg. 8, paragraph [0089]).

Claims 5-9, 14-18, and 20-30 meet the criteria set out in PCT Article 33(2 and 3) because the prior art does not fairly suggest an acknowledgement indication comprising a Supplemental Channel Assignment Message comprising power control bits and data rate grant bits.

Claims 1-30 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

US 2002/0172217 A1 (KADABA et al) 21 November 2002, see abstract, page 2, page 3, page 5, and page 7.

WRITTEN OPINION

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.